

REMARKS

This paper is submitted in reply to the Office Action dated August 9, 2005 within the one month response period. In the subject Office Action, the Examiner required restriction of the application to one of two species and, if appropriate, two subspecies, namely:

Species 1: Silicon dioxide by selectively depositing silicon dioxide in the shallow trench isolation region without depositing the silicon dioxide on the first and second active regions.

Sub-Species 1: Pad oxide material

Sub-Species 2: Pad nitride material

Species 2: Silicon dioxide by selectively depositing silicon dioxide in the shallow trench isolation region by liquid phase deposition of the silicon dioxide.

Applicants hereby elect, with traverse, Species 1 and Sub-Species 2. Applicants have withdrawn claims 4, 5, and 19-21 and have amended claims 1-9, 11-14, 20, and 21 for purposes of clarity and not for purposes relating to patentability. Applicants have also added new claims 22 and 23.

The Examiner requires restriction and provides reasons therefore. However, each limitation that the Examiner contends distinguishes Species 2 from Species 1 appears in the original dependent claims in Species 1. Consequently, no serious burden exists because the Examiner would have to search the prior art for the same subject matter defining Species 2 when examining claims in Species 1. With regard to Applicants' Sub-Species election, Applicants' specification discloses that the pad oxide and pad nitride may be used in combination and new claims 22 and 23 set forth the use of pad oxide and pad nitride layers. Consequently, each

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limitation that the Examiner contends distinguishes Sub-Species 1 from Sub-Species 2 appears in dependent claims from Sub-Species 2. Consequently, no serious burden exists because the Examiner would have to search the prior art for the same subject matter defining Sub-Species 1 when examining claims in Sub-Species 2.

Applicants submit that claims 1-3, 6-14, 22, and 23 read on the elected Species and Sub-Species and that claims 1, 3, 6-14, 22, and 23 are generic. Early and favorable examination of claims 1-3, 6-14, 22, and 23 by the Examiner is respectfully requested.

If there are any questions regarding this paper, or which might otherwise further this case onto allowance, please contact the undersigned. Applicants do not believe that any fees are due in connection with this submission. However, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

30 August 2005
Date

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